

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

FEB - 5 2007

UNITED STATES OF AMERICA,

5:05-CR-347-015 (NAM)

v.

MICHAEL HIRSH,

Defendant.

ORDER

Presently before the Court is a motion by George Hildebrandt, counsel for defendant Michael Hirsh, for a hearing to determine defendant's mental competency to stand trial pursuant to 18 U.S.C. § 4241. Mr. Hildebrandt submitted an affidavit in support of his motion setting forth the reasons for his belief that defendant presently suffers a mental disease or defect which renders him unable to understand the nature and consequences of the proceedings against him or to assist in his defense. Thus, the Court concludes there is reasonable cause to believe that defendant lacks the mental competency to stand trial. Accordingly, it is hereby

ORDERED that the motion for a hearing to determine defendant's mental competency to stand trial is GRANTED; and it is further

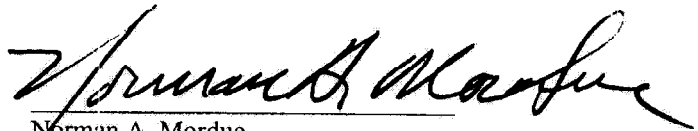
ORDERED that pursuant to 18 U.S.C. §§ 4241(b) and 4247, the Court designates Thomas A. Lazzaro, Ph.D., to conduct an outpatient competency evaluation of defendant Michael Hirsh on Wednesday, February 7, 2007, at 1:00 p.m., at Cayuga Correctional Facility; and it is further

ORDERED that following the evaluation, Dr. Lazzaro shall file a report via facsimile with the Court on or before Monday, February 12, 2007, which, in accordance with 18 U.S.C. § 4247(c), shall include: (1) defendant's history and present symptoms; (2) a description of the

psychiatric, psychological, and medical tests that were employed and their results; (3) examination findings; and (4) an opinion as to diagnosis, prognosis, and whether defendant Michael Hirsh suffers from a mental defect or disease rendering him mentally incompetent to the extent that he is unable to understand the nature and consequences of the proceedings against him or to assist properly in his defense.

IT IS SO ORDERED.

DATE: February 5, 2007



Norman A. Mordue
Chief United States District Court Judge